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UNCLAS SECTION 01 OF 14 WARSAW 000285

SIPDIS

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G, INL, DRL, PRM, IWI, EUR/PGI  
G/TIP FOR MEGAN HALL  
EUR/NCE FOR BART PUTNEY AND TOM YEAGER

E.O. 12958: N/A

TAGS: [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#) [PL](#)

SUBJECT: POLAND: EIGHTH ANNUAL (2008) TRAFFICKING IN PERSONS REPORT  
SUBMISSION

Ref: State 02731

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1. (SBU) Following are responses keyed to questions in paragraphs 27-31 of REFTEL. Embassy point of contact is Political Officer Andrea Gorog (telephone: 48-22-504-2621, fax 48-22-504-2613, e-mail GorogA@state.gov). POLOFF (FO-04) spent 45 hours collecting data and compiling report; one political locally engaged staff member spent a total of 45 hours collecting data.

2. (SBU) OVERVIEW: Answers keyed to para 27 of REFTEL

27A. Poland is a country of origin, transit and destination for trafficking in persons. The main groups at risk are unemployed women, women from the poorest regions of Poland, and victims of domestic violence. Some trafficking occurs within Poland's borders, but most cases involve women and children being trafficked to, from or through Poland. The illicit nature of trafficking in persons makes it difficult to determine the number of victims, particularly those of Polish citizenship, and estimates vary substantially. The main sources for information and statistics contained in this cable are international and local non-governmental organizations (NGOs), UN officials, OSCE/ODIHR contacts, and Polish officials, including those in the Ministry of Foreign Affairs (MFA), Ministry of Interior Affairs and Administration (MOI), Ministry of Justice, Border Guards and National Police. All of these have proven to be reliable sources.

27B. There has been a notable rise in trafficking of Polish men and women to EU countries for forced labor and prostitution since Poland joined the European Union in 2004. Persons are trafficked to and through Poland from countries to the east and southeast, primarily Ukraine, Moldova, Belarus, Bulgaria, Romania, and Russia. Ukraine continues to serve as the greatest source of persons trafficked through and to Poland, with Moldova also serving as a substantial source. There are also growing reports of Vietnamese nationals, along with small but notable numbers of Cameroonians, Somalis, Kenyans and Ugandans being trafficked into, within, and through Poland. Poles and foreigners are trafficked to Western Europe, especially Austria, Belgium, Denmark, Germany, Italy, the Netherlands, Spain, and Sweden, as well as to Japan and Israel. Most trafficking involves women trafficked into the sex trade, however,

police and NGO experts estimate there is a growing percentage of victims forced to work in agricultural or other menial trades. Extensive job migration is one of the important factors conducive to trafficking. Based on NGO estimates, 2 million Poles migrated abroad (mostly to Western Europe) during the last four years.

Victims are trafficked to Poland primarily for work in "massage parlors," "escort agencies," and clubs and "agencies" for men i.e., brothels. However, there have also been documented cases of victims forced to work in agriculture or sweatshops and forced to beg on the streets and to commit petty crimes (stealing in super- markets.) Victims in the sex trade are forced to work as nude dancers or prostitutes, and are often deprived of their passports and identity papers, and threatened with violence. In the case of forced prostitution, victims failing to service a minimum number of clients each day may suffer physical abuse. There has been a gradual decrease in the number of escort agencies and people working for them. Police estimate that in the second half of 2007, 610 "escort agencies" operated in Poland, with a total of 2,536 persons employed by them (including 12 men and 22 women under 18 years of age.) This is a marked decrease from 2006, when 750 escort services employed 3,500 workers. During the year, the police closed 56 of the 610 agencies. Police statistics based on arrests and other direct contacts estimate there were 3,278 prostitutes in Poland in 2007, out of which 3,245 were adults, 25 were between 15-18 years of age, and 8 were under 15 years of age. The nationalities of these prostitutes included 2,409 Polish, 503 Ukrainians, 165 Belorussian and 152 Bulgarians. Reliable NGO contacts estimate that the number of women working in all elements of the sex industry in Poland is slightly higher than the police estimates.

Traffickers in Poland continue to target the same population: mostly young, unemployed or poorly paid Polish women for the sex trade, and poor men and women for labor. They focus on individuals from dysfunctional families, people who faced domestic violence, sexual abuse, or different types of addictions and have a weak support networks. According to the NGO La Strada, 80 percent of Polish

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victims are under 24 years of age. Traffickers approach young victims with promises of lucrative jobs in Western Europe as domestic workers, dancers, cooks, agricultural laborers, or wait staff. The victims are told their handlers will take care of all documentation and are asked to turn over their passports. While one third of the victims know they are involved in illegal employment, most do not realize that they will be performing forced labor or sexual services. A second method of recruitment is for a trafficker, usually residing permanently outside Poland, to feign emotional involvement and persuade his future victim to visit him abroad. In both cases, victims are subsequently detained and forced into prostitution through threat, blackmail or violence. Often, traffickers are connected with organized crime syndicates. If a victim is transported with documentation, they travel by train or car; if illegally, they are hidden in trucks or cars, or walk across unguarded borders.

As of December 2007, Poland is part of the Schengen area, making Poland the effective Eastern border of the Schengen zone. The internal EU border check points have been removed, and the eastern borders to the neighboring countries have been strengthened. Experts suggest these changes might make it more difficult for human traffickers to enter Poland, however if successful, it will make it easier for them to move within the EU.

27C. The MOI has the lead in anti-trafficking efforts. It serves as a coordinator of the Inter-Ministerial Anti-Trafficking Working Team, which was established in accordance with the Prime Minister's Regulations issued in March 2004. The Undersecretary of State in the MOI chairs the team, which includes members from the ministries of Education, Labor and Social Policy, Justice, Foreign Affairs, Health, Internal Affairs and Administration, Office for Foreigners, National Police Headquarters, and Border Guard Headquarters. The team also includes NGO representatives active in assisting TIP victims (La Strada, ITAKA, Nobody's Children Foundation, Caritas Warsaw). The role of the group is to assess the implementation of the National Anti-Trafficking Plan, preparing new proposals and

opinions on the undertakings aimed at effective combating trafficking. Parallel to the team, an inter-ministerial working group was established, which meets regularly to work on anti-trafficking efforts.

In addition to the Inter-Ministerial Anti-Trafficking Working Team, the GOP has a Central Anti-Trafficking Unit (CATU) in the National Police to combat human trafficking, pedophilia, and child pornography. This unit currently has seven full-time officers with liaisons to the Ministry of Interior and Administration, Ministry of Justice, and Central Bureau of Investigation. The CATU also coordinates teams of one to three individuals in each of Poland's 16 regional police departments. It makes use of advanced law-enforcement techniques, including immunity/mitigation, wire-tapping, and covert operations.

27D. The primary limits on Poland's ability to address this problem stem from the lack of a clear legal definition of trafficking in Poland's criminal code and the lack of effective victim identification. Government efforts on education and victim assistance have been primarily carried out by NGOs using increasing amounts of local and national government funding along with foreign government funding. According to the coordinator of the Interagency Working Group, officers from various government agencies were trained in identification of trafficking victims and victim assistance in all of the 16 Polish provinces during the year. The National Police reports that all incoming recruits receive continuous instruction on the subject. Those already in jobs, receive training from the trafficking coordinator in each province. Police and border guards participated in joint training exercises with the neighboring countries.

Poland's criminal code outlaws human trafficking, but does not specifically define it. NGOs, law enforcement, and prosecutors generally use the 2001 Palermo Protocol definition in addressing human trafficking; however, NGOs claim that the absence of such a definition in national law is problematic because prosecutors and especially judges are not sufficiently well informed or aware of the offense. The Interagency Working Group ranks amending the criminal code to incorporate the Palermo Protocol definition as a major priority of the National Action Plan for 2007-2008. In 2007, the

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definition of trafficking was included in the draft revision of the criminal law submitted to the Parliament by the previous government. However, after the October 2007 parliamentary elections the submission was withdrawn, and will be re-submitted to the Sejm once it is reviewed by the new Justice Minister.

Proper identification of victims of trafficking is another problem. Despite increased training efforts for police and border guards, some victims are not properly identified. At the request of the MOI, the University-based Research Center for Trafficking in Human Beings developed a questionnaire to serve as an identification tool for police and Border Guard officers. The questionnaire is currently being tested in a pilot project.

Embassy Warsaw raised these concerns with the newly appointed government officials. The GOP is aware of the problem and is working on a strategy to address these matters. At a meeting in February 2008, MOI's U/S Adam Rapacki admitted victim identification and the low number of prosecutions present a challenge for the GOP. Law enforcement's efforts in trafficking have been improving, and Rapacki detailed his plan to ensure the Police focus even more effort at identifying trafficking cases.

In 2007, the government allocated approximately \$149,000 (350,000 zlotys: All dollar amounts in this cable are based on Feb 2008, 2.35 zloty/U.S. dollar exchange rate) from the MOI's budget to implement the National Anti-Trafficking Action Plan developed by the Interagency Anti-Trafficking Working Group (the "Interagency Working Group.") The funds were divided as follows: \$64,000 for victim protection, and \$85,000 for education and prevention. In addition, other ministries allocated supplementary funds from their resources; including the Ministry of Labor and Social Policy which furnished approximately \$33,000 for training and prevention.

27E. The Interagency Anti-Trafficking Working Group publishes an annual report that summarizes the government's implementation of the National Action Plan. The report assesses the accomplishment of the previous year's goals, which address the various fronts of the anti-trafficking efforts including prevention, victim's assistance and prosecution. In January 2008, the Inter-Agency group approved the most recent report, which details the implementation efforts for the 2007 period. The National Police Public Affairs Unit informs the public systematically about its efforts and publishes annual trafficking statistics on its website. The National Prosecutor's Office of the Ministry of Justice maintains records of investigations and legal actions taken against traffickers, and works closely with provincial and local prosecutors to ensure accurate reporting. As part of the National Action Plan for 2007-2008, the MOI published a report in 2007, which discusses the human trafficking trends in Poland, the current legislation and the activities undertaken by various institutions to combat human trafficking. The report also provides statistics for the period of 1995-2006. The NGO, La Strada works with the Polish government to document cases.

13. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS: Answers keyed to paragraph 28 of REFTEL

28A. Polish law prohibits forcing individuals into prostitution, trafficking in human beings, and pimping. The relevant sections of the Criminal Code are Articles 204, section 4 (sexual trafficking) and 253 (sexual and non-sexual trafficking) effective September 1, 1998. The laws cover both internal and external trafficking, and do not require proof that the victim was coerced in order to secure a conviction. Poland has adopted the UN Protocol on Trafficking in Persons (Palermo Protocol). The National Prosecutor's Office uses this definition of trafficking in its prosecutions and states that it has not been adversely affected by the absence of a specific definition in Polish national law. Contrary to the National Prosecutor's Office assertion, NGOs and law enforcement officials indicate that the lack of a definition does negatively impact effective prosecution.

In May 2007, the Polish Ombudsman called on the Minister of Justice to incorporate a definition of human trafficking into the criminal code. On the initiative of the Interagency Working Group, the definition of trafficking was incorporated in the draft revision of the Polish Criminal Code. After the change of government following

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the October 2007 parliamentary election, the new Justice Minister withdrew the revision from the Parliament. The draft revision will be re-submitted to the Sejm once it is reviewed by the new Justice Minister

Although Poland was one of the first countries to sign the 2005 Council of Europe Convention on Action against Trafficking in Human Beings, it has not yet ratified it. The Convention entered into force on February 1, 2008. The same day, the Helsinki Foundation for Human Rights sent a letter to PM Donald Tusk urging the government to accelerate the ratification process of the Convention. The Convention could play an important role in the Polish legislation because it includes a comprehensive definition of trafficking (that prosecutors could also refer to.) There are no provisions in the criminal code that specifically address trafficking for labor exploitation.

28B. The maximum penalty for trafficking in persons is 15 years' imprisonment under Article 253 of the Criminal Code (minimum of three years' imprisonment). This Article of the Code does not require proof of trafficking connected with prostitution. Article 204, section 4 of the Code provides for up to ten years' imprisonment for trafficking involving prostitution. This article is not often used, as prosecutors use article 253 in most trafficking cases. Most sentences are shorter than the maximum, with the most severe sentences reserved for those convicted of trafficking minors for the purpose of prostitution or luring/abducting adults into prostitution abroad. Of the two convictions under article 253 in the first half of 2007,

one person was sentenced to a maximum of two years imprisonment, and the other was sentenced for three-to-five years.

28C. There are no provisions in the criminal code that specifically address trafficking for labor exploitation. Such cases are prosecuted under Articles 253 (described above) or organized crime statutes, as appropriate.

28D. According to Criminal Code Article 197, using violence, threat, or deceit to force a person to have sexual intercourse is punishable by one to ten years' imprisonment. Using such means to force a person into other sexual activity is punishable by three months' to five years' imprisonment. In cases involving more than one perpetrator or excessive cruelty, the punishment ranges from two to 12 years imprisonment, compared to up to 15 years for trafficking under Article 253.

28E. Prostitution in Poland is legal; but "pimping" or otherwise profiting from a prostitute's activities as a third party is illegal. Under the current version of the Polish Criminal Code, the legal age of consent to sexual activity is 15. Poland has ratified the Palermo Protocol, the Optional Protocol to the UN Convention on the Rights of Children (of May 25, 2000), and the EU Convention on the Rights of Children. All of these documents prohibit prostitution by individuals less than 18 years of age. According to the Polish Constitution (Art. 87) and international law, the provisions of these documents automatically become part of Polish law and act to prohibit child prostitution as therein defined. Full implementation of the protocols and Convention will require changes, inter alia, in the Polish Criminal, Family and Labor Codes. The prosecutor's office states that anyone (including a parent) assisting a person under the age of 18 to engage in prostitution would be assumed to be benefiting financially from this assistance and would be investigated and prosecuted accordingly.

28F. The government's efforts to prosecute trafficking offenders continue to improve.

According to the National Prosecutor's Office, in 2007 the Polish prosecutors initiated 45 new investigations, and concluded 45 investigations. Of the 45 concluded investigations, 26 resulted in indictments, one was dismissed due to the failure to identify the offender and 18 were dismissed due to the fact that prosecutors did not confirm that an offence took place. In the 26 indictments, 58 individuals were indicted, compared to 36 in 2006. 1,015 victims were involved in the 26 cases that resulted in indictments. Of the 1,015 victims, 880 were victims of forced agricultural labor in Italy, 39 were foreigners (17 Ukrainians, 15 Bulgarians, four Moldovan, one from Kenya, one from Senegal, and one from

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Kazakhstan), and four of the victims were under 15 years of age and two were 16 years old. Of the 58 individuals indicted, there were three foreigners (one Bulgarian and two Ukrainians.)

According to the Statistics Bureau of the Ministry of Justice, there were two convictions under article 253 of the penal code in the first half of 2007. Of the persons sentenced, one was sentenced to a maximum of two years' imprisonment, and the other was sentenced for three-to-five years. These are sentences issued by the first instance courts and are still subject to appeal. Complete sentencing data for 2007 is not available at time of Post's submission for these cases. The complete data for 2006 shows that there were 13 convictions under article 253 (human trafficking), and one conviction under article 204 paragraph 4 (forced prostitution abroad) which was suspended. These sentences were upheld by appellate courts. Of the 14 prison sentences, there were two one-year terms, one one-to-two year terms, three two-year terms, three three-year terms, and five three-to five year terms of imprisonment. Judges suspended only three of these sentences. Of the individuals convicted 10 were Polish citizens and four were Bulgarians.

The number of new investigations related to trafficking increased in 2007. According to police press office, police initiated 22 new investigations of human trafficking under article 253 of the

Criminal Code in 2007, which included the total of 859 victims. Police forwarded 21 cases to prosecution for indictment. In addition, police identified one case of forced prostitution abroad under article 204 paragraph 4, and forwarded the case to the prosecution office for indictment.

In addition, the National Prosecution Office indicated that in two ongoing cases, police identified a total of 210 victims. One case - in Rzeszow - concerns Polish and Ukrainian women trafficked for the sex business to the south of Poland (60 victims already identified, but the case is developing). In the other case - in Krakow - 150 Polish women trafficked to Italy to work in the sex business.

Although the number of cases investigated and indicted is growing, convictions under article 253 are still noticeably low. According to the Center for Human Trafficking, one of the reasons for low conviction rates under article 253 is the previously identified lack of a legal trafficking definition in the Polish criminal code. Due to this lack of definition, prosecutors and police officers apply other provisions of the criminal code to prosecute cases which in reality are trafficking cases. According to a leading expert at the Center, a few Polish courts render judgments based upon the assumption that there must be a transfer of money in exchange for a person to consider a given offense a trafficking crime. He reiterated the importance of introducing a definition of trafficking to the Polish criminal code and ratifying the Council of Europe Convention, which would provide a stable instrument in combating trafficking.

28G. Incoming border guards and police officers receive training on the subject of trafficking. NGO La Strada leads specialized training at the national law-enforcement training facility for selected personnel. This training involves role-playing simulations, legal exercises, film showings, and other awareness-building exercises. Prosecutors throughout Poland have also taken part in training, including mock trials. The Border Guard and Police Training Centers also organized the screening of the movie "Your name is Justine" for all students and instructors. The movie details the experiences of a trafficked woman.

In June 2007, the MOI cooperated with the Police School and La Strada to provide specialized training for coordinators and members of anti-trafficking teams in the Police departments of the 16 Polish provinces and the Border Guard (BG) Headquarters. The training covered legal provisions, practical aspects of TIP victim assistance, and methods of cooperation between various institutions, both national and international.

In October 2007 Gdansk Provincial Police Headquarters worked with the Police School in Szczytno to provide training on trafficking for local city and community police officers. Between June and November, the Warsaw City Police also organized training sessions for Warsaw police officers (heads of units and their deputies) on

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identification of TIP victims.

La Strada also coordinated with the MOI a project termed "Monitoring the respect for human rights of trafficking victims." In November, La Strada presented the results of this monitoring project at a seminar attended by representatives of MOI, police, border guard, prosecutors, judges and research institutions and NGOs. The MOI also funded the publishing of these results in form of a pamphlet.

The MOI, La Strada and the British Embassy cooperated in a six-month pilot program to train judges in TIP. The goal of this training was to expand the knowledge of judges on the definition of human trafficking, in particular in the context of Polish domestic law, characteristics of the phenomenon of trafficking and the specific situation of victims. Six 20-person groups were trained under this initiative. In February 2008, a concluding seminar was organized in Warsaw for participants of the previous training, representatives of provincial courts, national prosecutors and the police.

28H. Poland enthusiastically cooperates with other countries in trafficking cases and the repatriation of victims, especially with

its closest neighbors. The main barrier to increased investigations has been a lack of funds. The Polish law allows for the establishment of joint investigation teams but up to now, no such team has been created. However, during initial investigations, provincial police headquarters have had direct contact with police liaison officers of several countries through the central Anti-Trafficking Team in the National Police Headquarters. The Central Anti-Trafficking Team in the Police Headquarters exchanges information on a regular basis with EUROPOL and INTERPOL and police forces of other countries on trafficking, child pornography distributed over the internet and pedophilia. In 2007, the Police Central Anti-Trafficking Team cooperated with police forces on seven cases with Germany, five cases with Ukraine, two cases with Belarus, two cases with Bulgaria, and one case each with Italy, the Netherlands and Sweden. The majority of these cases concerned trafficking for sexual exploitation.

In November 2007, the Polish regional police coordinators for combating human trafficking and their Ukrainian counterparts participated in joint meetings, under the project run by Police Academy in Szczytno.

Throughout the year, the Border Guards also worked closely with neighboring country counterparts. For example, they carried out one investigation in the south of Poland, which concerned Polish citizens trafficked to Switzerland; so far they have identified four suspects and five victims, but the investigation is ongoing. The Border Guard also cooperated with Ukrainian police on a trafficking case which concerned Ukrainian victims and Ukrainian traffickers.

With the assistance of IOM two networking visits between Ukraine and Poland were organized. The initial meeting in July 2007, gave an opportunity for the Ukrainian MOI Representatives to meet and exchange ideas with the Polish Interagency Anti-Trafficking Working Group. The second meeting in February 2008, brought together Polish and Ukrainian law enforcement representatives to discuss past experiences and future cooperation.

28I. The Polish Constitution no longer prohibits the extradition of Polish citizens. Following the June 2007 change in the Constitution, Parliament amended Article 607t of the criminal code to allow for the extradition of Polish citizens to other EU countries.

28J. Post has no evidence that the GOP is tolerant of trafficking.

28K. We have no evidence that governmental authorities condone or are otherwise complicit in trafficking activities. GOP law-enforcement agencies are actively increasing both budget and manpower dedicated to detecting and apprehending criminal groups involved in trafficking. There are unconfirmed reports that local police have taken bribes to ignore known trafficking activity. If any such cases were determined to have merit, rules call for the offender to be automatically suspended pending an investigation. To date, there have been no cases of law-enforcement officials punished for trafficking-related corruption.

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28L. According to the Military Prosecution Office, no Pole deployed abroad as part of a peacekeeping mission engaged in or facilitated any form of trafficking, nor were there any known exploiters of trafficking victims.

28M. According to the Nobody's Children Foundation, the leading Polish NGO dealing with trafficking in children, sex tourism is not a problem in Poland. This NGO does believe, however, that trafficking in children for sexual exploitation is a problem. During the year, the Foundation noticed a decrease in the number of unattended minors who were applying for refugee status in Poland. This is probably the result of tighter border security control as part of Poland's accession into the Schengen zone. The Foundation is not able to assess the scale of trafficking in children due to a lack of law enforcement standard operating procedures (SOP) for child trafficking cases. One of the goals of the National Anti-Trafficking Action Plan for 2007-2008 is to create a model for



support/protection of child-victims of trafficking. The Inter-Agency Working Group is currently working on creating SOPs to handle such cases, and is scheduled to complete it by the end of the year.

14. (SBU) PROTECTION AND ASSISTANCE TO VICTIMS: Answers keyed to Para 29 of REFTEL

29A. Polish law allows foreign victims to remain in Poland legally during the investigation and trial of their traffickers. At the end of 2005, the Law on Aliens was amended to provide for a reflection period during which foreign trafficking victims are allowed to stay legally in Poland while deliberating whether or not to participate in the prosecution of their traffickers. During 2007, five persons have taken advantage of the reflection period. Videoconference testimony from abroad is also allowed.

Under the recent revision of the Law on Social Assistance, which entered into force on April 1, 2007, all foreign victims of trafficking are entitled to the same type of social welfare benefits as Polish citizens. The revised law also gives foreign victims the right to access crisis intervention assistance, shelter, food, clothing and living allowance, and entitlement to stay at crisis intervention centers.

29B. The government has worked extensively with anti-trafficking NGOs to provide shelters for victims. Despite the fact that the government provided space and funds to NGOs for operating shelters for trafficking victims, the number of shelters remained inadequate and NGOs frequently resorted to temporary arrangements to provide medical, psychological, and legal assistance to victims.

In 2007, local governments operated 33 crisis intervention centers for victims of domestic violence and trafficking victims. The centers, which are funded by the central government, provide social, medical, psychological, and legal assistance to victims and "corrective-educational" programs for abusers. During the year the government allocated approximately \$4.1 million for the centers' operating costs. In addition, the government spent \$193,000 during the year on public awareness programs to counteract domestic violence, which were implemented by local NGOs and governments.

The MOI-established and La Strada-run program for the Support and Protection of Trafficking Victims and Witnesses continued to play a key role in victims' assistance in 2007. The program provides assistance to foreigners in the following areas: crisis intervention (medical and psychological assistance, safe transportation and shelter, food, clothing, lodging, support and counseling); legal counseling when contacting law enforcement and judiciary; assistance in legalizing the stay in Poland and/or organization of safe return to the country of origin. In 2007, twenty persons joined the program. Polish victims are eligible for various social and welfare services.

29C. The GOP has continued to fund various victim support and witness protection programs. In 2007, the Government allocated approximately \$64,000 for the implementation of the Support and Protection of Trafficking Victims and Witnesses program. The Program is initiated if the foreigner agrees to break all the contacts with the traffickers. The program allows for a two-month assistance period, during which the victim is granted full assistance and may decide on whether she would like to cooperate with law enforcement.

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La Strada provides all necessary medical, psychological, and material aid, and the victim is placed in a safe shelter under the care of social workers. If the victim decides against testifying, he/she can voluntarily return to the country of origin with the assistance of La Strada. If the person decides to testify, their legally-authorized presence in Poland may be extended. After the trial, the victim is offered a safe return to their country of origin and informed about victim assistance programs offered by the NGOs in their country.

Local governments also provide funding to support shelters and local centers that provide assistance to victims (trafficking, domestic violence.) For example, in 2007 the Center for Women's Rights in



Warsaw received \$85,000 from the local government. The national government also provides funds to address AIDS prevention and domestic violence.

29D. The GOP is developing a program to identify victims through increased training and through the development and use of a standardized questionnaire for border guards and police. Though they recognize the need to improve identification of victims among high risk groups, the MOI, National Police, and NGOs are generally pleased with the new training efforts in place to address this concern and degree of cooperation between law-enforcement and victims' assistance organizations. When properly identified, victims are typically referred to the nearest assistance point in Poland. The Polish government is devoting significant resources to training law enforcement officials so that they are better able to identify and assist trafficking victims, including the standard questionnaire (para 27D). The police and Border Guards are currently testing the identification questionnaire, which is intended to help identify potential victims. After the trial period, the questionnaire will be updated and then distributed among police and BG officers, followed by training for Border Guard officers on how to use it. In addition, the police have an "algorithm" in place, which is a standard operating procedure to deal with trafficking victims (after they are identified).

According to the MOI, in 2007 the police identified 860 victims of trafficking (both Polish and foreigners.) Although the MOI doesn't compile statistics on how many victims were referred for assistance by law enforcement authorities, NGO contacts indicate extensive cooperation between the police and the NGOs carrying out assistance programs. In 2007, 20 victims joined the Victims Assistance/Protection (11 Bulgarian, Ukrainian, two Belorussian, one Vietnamese, one Nigerian, one Kenyan, one Moldovan.)

29E. Although prostitution in Poland is not criminalized, there is no legal or regulated sex trade. According to the MOI, the police regularly screen escort services in cooperation with the Polish Labor Inspectors.

29F. Border Guards and police sometimes regard victims of trafficking as criminals who have violated passport laws. However, according to government and NGO sources, increased training has markedly improved this situation, and most rank-and-file officers now understand the difference between smuggling and trafficking. Polish law continues to require that anyone found within the territory of Poland in an "illegal" status be deported to the country of origin. Legislation enacted in late 2005 provides for a reflection period of two months during which a trafficking victim is permitted to remain in Poland, receive support and assistance, and decide whether to cooperate with an investigation. Under the law, victims who decide not to cooperate should be returned to their countries of origin in a manner that shields them from contact with traffickers.

29G. The Polish government encourages and facilitates victim participation in investigations and prosecutions. As indicated above, victims, regardless of their legal status, may now remain in country to assist in the investigations of traffickers. In 2007, this legal authority was used successfully by 20 foreign victims who agreed to participate in the prosecution of their traffickers. Polish authorities have not encouraged victims to file civil suits or otherwise take legal action against traffickers.

Victims may file civil suits against traffickers but there were no such cases in 2007. The victims may also get financial compensation

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(through legal action) but there were also no such cases in 2007. According to La Strada, during the year, 34 victims assisted in the investigation and prosecution of their traffickers, including 25 Poles and nine foreigners. La Strada also participated in seven different court proceedings as a voluntary representative and (arranged defense lawyers for ten victims.

As described in para 29D, of the 20 persons who joined the Victim Assistance/Protection program 16 persons were referred by the

police, and four by the Border Guards.

29H. The government provides victim assistance through the local NGO La Strada, which currently receives funding from the national government specifically for the care of foreign trafficking victims. All other trafficked persons are served from the EU structural funds under Equal program/EFS (European Social Fund). Some small grants from local governments are used to cover crisis intervention for trafficked persons in La Strada foundation. Other NGOs such as Caritas and the Nobody's Children Foundation also provide victim assistance throughout Poland.

In the first half of 2007, La Strada provided shelter services for 23 persons (including 14 Poles and nine foreigners.) In the second half of the year, 22 persons (nine Poles and 13 foreigners) sought shelter with La Strada. Through MOI funds, La Strada provided assistance to 276 persons, including 115 new clients (31 foreigners) in 2007.

The revision of the law on social welfare, which entered into force in April 2007, introduces provisions which allow providing assistance to victims/witnesses of trafficking for both Polish citizens and foreigners. In accordance with article 5a of the law, foreigners are entitled to crisis intervention assistance, shelter, food, clothing and financial benefits. This assistance is granted on the basis of a document provided by police, Border Guard or prosecutor, which confirms that a person is a victim of trafficking. The revision of article 47 point 3a provides the possibility for foreigners to stay at a crisis intervention center for the period defined by their residence permit. In addition, article 7 point 7a also allows for the provision of welfare assistance for the needs of victims of trafficking. Since the law entered into force in 2007, there are no statistics yet available on the number of victims/witnesses who received welfare/support on the grounds of being a trafficking victim/witness in 2007.

29I. The Polish MOI and the Ministry of Foreign Affairs (MFA), conduct extensive formal training for consular officials in Polish embassies and consulates abroad. Our NGO contacts believe the MFA has an effective approach for providing TIP training to its officials, especially in the Consular Department, which regularly updates Polish Consulates abroad on the problem, distributes information materials on the issue of trafficking and keeps the problem high on the agenda. According to the MFA, if a Polish victim requests assistance abroad, the Ministry has a list of local NGOs that can support the victims, as well as funds to help the victims return safely to Poland. GOP officials encourage their embassies to develop relationships with anti-trafficking organizations in transit and source countries.

29J. While there is no specific government assistance set aside for repatriated nationals who are victims of trafficking abroad, such persons are eligible for standard unemployment and welfare benefits, and the Ministry of Foreign Affairs cooperates with NGOs to identify repatriated Polish victims of trafficking for assistance. NGOs allow repatriated victims to participate in assistance programs and utilize shelters following their return to Poland.

29K. Numerous international, national, and local organizations are involved in anti-trafficking initiatives in Poland. International organizations such as the United Nations Office on Drugs and Crime, UNHCR, International Organization on Migration, and OSCE are closely involved in anti-trafficking initiatives in Poland. NGOs active in the fight against trafficking include, La Strada, Nobody's Children Foundation, Caritas Poland, Halina Niec Association, Agape Project, Bread of Life Community) and the Center for Women's Rights. Academic institutions such as the Jagiellonian University of Krakow, University of Zielona Gora, and the University of Warsaw are also involved in anti-trafficking education and policy-making by

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completing various studies and research. These institutions work closely with local authorities, and the relationship between NGOs and the national government is excellent. NGO training and projects continue to be the most effective method to enhance Poland's overall anti-trafficking capacity.

The Interior Ministry allocated \$149,000 to anti-trafficking initiatives in 2007, of which \$64,000 was for victim protection and the remaining was used for public awareness and prevention.

15. (SBU) PREVENTION: Answers keyed to paragraph 30 of REFTEL

30A. Polish government officials at the highest levels acknowledge the seriousness of the trafficking problem in Poland, and are taking action to address the problem. TIP was one of the issues post discussed with members of the newly elected government, including the newly-appointed Minister of Interior and Administration. In January 2007, the Interagency Working Group adopted the third National Action Plan for Combating and Prevention of Human Trafficking for 2007-2008, which follows on and strengthens the previous Plans from 2003-2004 and 2005-2006.

30B. In 2007, the MOI ran a wide range of anti-trafficking information and educational campaigns. Post will provide brief examples of the major outreach efforts below.

On June 11, the MOI organized the Second National Conference on Combating and Preventing Human Trafficking, which was attended by representatives of government, law enforcement and NGOs. The conference focused on a detailed analysis of the system of combating and preventing human trafficking, system of victim assistance, and the legal provisions related to those issues. The conference resulted in the publication of a report that focused on the problem of trafficking in children and the identification aspects of trafficking in both children and adults. A similar conference will take place in June 2008, and the GOP has designated June 11 as "TIP Victims' Day." It is an EU-wide anti-trafficking day. Poland joined the other EU countries in recognizing this day.

In 2007, the GOP increased its trafficking awareness programs through posters and billboards, as well as through financial supporting to NGOs for producing such materials. The MOI held information campaigns across the country; these included the distribution of educational materials and advertisements on various websites, such as the Polish daily "Dziennik." Also, both La Strada and Caritas ran a number of education/prevention campaigns on human trafficking that the GOP funded. Following is an overview of various campaigns and outreach activities organized or funded by the MOI and NGOs

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Campaigns combating violence against women and children:  
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In September 2007, the MOI organized a two-day international seminar titled "Together against violence - combating violence against children, youth and women (from Polish and European perspective)." The objective of the seminar was to provide an overview of programs and activities within the EU for 2007-2013. The program focused on general violence against women and children, and the National Anti-Trafficking Action Plan figured prominently in the seminar.

The MOI funded the publication of the book titled "Best Practices in Combating Trafficking in Children (IOM publication)," a manual addressed to police and Border Guard officers (7,000 copies). The Ministry also published a pamphlet on trafficking in persons in Poland, and distributed 1,000 copies in Polish and 500 in English.

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Campaigns warning against forced prostitution:  
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Caritas Warsaw led an information campaign on the HOPE program--an international campaign against forced prostitution and human trafficking. The outreach consisted in publication of 25,000 leaflets, 5,000 posters and 5,000 leaflets-business cards, warning against the threat of trafficking, and informing the public about Project HOPE and its safe shelters for women providing psychological and medical assistance.

#### Awareness raising outreach on forced labor:

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In cooperation with La Strada, the MOI ran an information campaign on trafficking in persons for forced labor. As part of the campaign, announcements in the local press cautioned against unreliable employers, and listed contacts of institutions that could provide assistance in such situations. There were also 15,000 leaflets published with information specifically addressed to those looking for job opportunities outside of Poland.

Because of its earlier success, in 2007, the MOI published a second edition of the pamphlet "Travel Compass," a manual for persons traveling abroad to look for work. 5,500 pamphlets were sent out to labor offices throughout Poland and the Consulates abroad.

The MFA conducted its own information campaign, which included the publication of the guide "Pole Abroad." The guide provides advice on how to safely apply for jobs abroad and forewarns about possible risks for Polish citizens who go abroad to work. On June 13, the MFA held a press conference promoting the guide, during which the problem of trafficking was strongly underlined. The manual is also available on the MFA website.

Between May and December 2007, the ITAKA foundation, in cooperation with newspaper Gazeta Wyborcza, private radio station RMF FM and internet portal home.pl, carried out a campaign titled "Safe Work." The goal of the promotion was to motivate people to become active in their local community (on a voluntary basis) by promoting safe employment in Poland and abroad. The campaign included the establishment of an internet webpage ([www.bezpiecznapraca.eu](http://www.bezpiecznapraca.eu)) addressed to persons looking for a job abroad or considering leaving Poland for work. The website includes information on how to protect oneself against becoming a victim of trafficking. As part of the campaign, leaflets and posters informing about "Safe Work" were sent out to provincial job offices. In the Gazeta Wyborcza insert (Gazeta-Praca), a book with advice and precautions for persons leaving Poland for work was also published. During the whole campaign, a 24/7 hotline was operated by ITAKA foundation, which registers cases of persons missing abroad.

With British Embassy funding, La Strada published educational leaflets and postcards addressed to women who plan on working abroad. These materials were distributed by various institutions such as schools, job offices, social welfare centers, NGOs, as well as during the 70+ prevention lectures La Strada presented to youth.

Between November and December, La Strada, in cooperation with the Ministry of Labor and Social Policy, carried out an information-prevention campaign "Listen before you leave." Within the framework of this campaign, seven radio stations broadcast commercials which warned against trafficking in persons for forced labor. The campaign efforts included 50 meetings with young people at schools and other educational centers to warn them about the possible threat of becoming a victim of forced labor.

#### ----- Outreach efforts to people coming to Poland: -----

There were also a number of campaigns addressed to persons who came to Poland to work. The Inter-Agency Working Group compiled a package of materials on the Victim Assistance/Protection Program and distributed 6,000 copies of posters about forms of assistance available to trafficking victims, 6,000 copies of leaflets for trafficking victims in various languages with the information about the Program and forms of assistance, and 10,000 copies of pamphlets for Border Guards and police officers, social workers about the Program.

The MOI, in cooperation with La Strada, published information leaflets and posters for persons coming to Poland to work (30,000 copies in Russian and Ukrainian). The purpose of the campaign was to inform women moving to Poland (for work, marriage etc.) about work requirement documents, marriage requirements, types of assistance available to them, and offer a list of NGOs that can assist them when in need. The MFA website also posted information on regulations and conditions for entering and staying in Poland.

In January 2007, La Strada in cooperation with the Border Guards organized a display of leaflets and posters at Gdansk International Airport, to make people aware of possible risks involved in travel. The educational leaflets were also distributed to Polish citizens and people from neighboring countries arriving in Gdansk, Poland.

30C. Both government officials and NGO representatives continue to describe the relationship between the GOP and anti-trafficking organizations as open, positive and deepening. The GOP recognizes the importance of NGOs and other elements of civil society in preventing trafficking in persons, and actively worked with them to develop the National Action Plan. The GOP relies on and works closely with NGOs for victim protection projects, law-enforcement training, and prevention campaigns.

30D. The GOP devotes considerable resources to monitor its borders. The Border Guards continue to receive high marks from Western European counterparts for the quality of their training and effectiveness of their enforcement activities. Through training programs implemented by the GOP and La Strada, Polish Border Guards are now trained to detect and assist victims of trafficking. Border Guards discover potential TIP victims most often during document inspections that they hold to check the legality of aliens' stays in Poland. To improve detection and victim identification, police in four border provinces are using a questionnaire developed by Warsaw University. Though currently still a pilot program, the GOP expects all border guards and police officers to receive training on the questionnaire.

Our contact recently highlighted an effective coordination system developed in 2007 for the 12 regional units of the Border Guard. As part of this effort, police and Border Guard coordinators organized a joint workshop in June 2007, which included over 20 trafficking coordinators (two or three in each regional unit.) The 2008 workshop will be expanded to include district prosecutors coordinating anti-trafficking issues.

All entry-level Border Guards go through basic training on trafficking. The Border Guard is also planning to introduce a more specialized training for officers who are assigned to work directly on the border, and in operational-investigation units.

In addition, the Border Guard's operational guidelines for 2008 include a requirement for careful inspection of children crossing the borders; particularly in cases when children cross]